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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,662	05/25/2000	Eliel Villa-Aleman	25057-32	5878

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EXAMINER

KIBLER, VIRGINIA M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,662

Applicant(s)

VILLA-ALEMAN, ELIEL

Examiner

Virginia M Kibler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. The amendment received on 5/27/03 has been entered. Claims 1-20 remain pending.

Claim Objections

2. Claim 7 is objected to because of the following informalities: "portaqble" should be changed to "portable" in line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rios et al. (4,983,846).

Regarding claim 1, Rios et al. ("Rios") discloses a light source for on-site analysis of fingerprints and other latent indicia including an array of light emitting diodes (Col. 3, lines 43-46) and a power source for powering the LEDS (Col. 4, lines 27-31) wherein the array emits a wavelength-specific light of sufficient intensity as emitted from the diodes to cause a dye adhered to the fingerprints to visibly fluoresce (Col. 2, lines 53-56).

Regarding claim 2, Rios discloses a portable power source (Col. 4, lines 27-31).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rios et al. (5,034,615).

Regarding claim 3, Rios discloses a light source including an array of LEDs (Col.3, lines 43-46). Rios does not explicitly state using between 2 and 25 LEDs. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the number of LEDs used in the light source disclosed by Rios to specify 2-25 in according to the desired intensity.

Regarding claims 5, 6, and 8, Rios discloses a light source having a predetermined band of wavelength (Col. 2, lines 53-64). In light of Rios' disclosure, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the predetermined band of wavelength disclosed by Rios to a particular wavelength in order to illuminate a specific fluorescent substance.

Regarding claim 7, Rios discloses including batteries for powering the light sources (Col. 4, lines 27-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the battery disclosed by Rios to explicitly state a desired voltage depending on the number of LEDs used in the array.

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7. Claims 4 and 9-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Rios et al. (4,983,846) as applied to claim 1 above, and further in view of Schneiker (*The Birth of a New Lamp System*).

Regarding claim 4, Rios discloses a light source using an array of LEDs (Col. 3, lines 43-46), but not a hands free light source. However, Schneiker teaches that it is known to attach an array of LEDs to a user by a personal attachment device whereby the user may use the light source hands free (Page 4, para. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the array of LEDs disclosed by Rios to include attaching the array onto a helmet, as taught by Schneiker, in order to provide a light source that was rugged, light weight, and hands free.

Regarding claim 9, the arguments analogous to those presented above for claims 1 and 4 are applicable to claim 9.

Regarding claim 10, the arguments analogous to those presented above for claim 2 are applicable to claim 10.

Regarding claim 11, the arguments analogous to those presented above for claim 3 are applicable to claim 11.

Regarding claim 13, the arguments analogous to those presented above for claim 5 are applicable to claim 13.

Regarding claim 14, the arguments analogous to those presented above for claim 6 are applicable to claim 14.

Regarding claim 15, the arguments analogous to those presented above for claim 7 are applicable to claim 15.

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Regarding claim 16, the arguments analogous to those presented above for claim 8 are applicable to claim 16.

Regarding claim 12, the arguments analogous to those presented above for claim 4 are applicable to claim 12. Note, Schneiker discloses a light source that is attached to a helmet. Schneiker does not specify using a belt pouch and a headset. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the light source provided on the helmet disclosed by Schneiker to include a belt pouch as an alternative to providing the entire light source on the helmet.

Regarding claim 17, the arguments analogous to those presented above for claims 9 and 12 are applicable to claim 17. Note, Rios discloses a light-source sufficient for on-site analysis with the human eye through eyepiece 35.

Regarding claim 18, Rios discloses the power source being carried but not worn by the user (Col. 4, lines 27-31).

Regarding claim 19, the arguments analogous to those presented above for claim 5 are applicable to claim 19.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rios et al. (4,983,846) and in view of Schneiker (*The Birth of a New Lamp System*) as applied to claim 17 above, and further in view of HDS Systems (*LEDs – the Unbreakable Wonder Light*).

Regarding claim 20, Rios and Schneiker do not appear to recognize including a means for cooling the LEDs. However, HDS Systems teaches that it is known to include a means for cooling the LEDs (Page 10, para. 3 and 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the array of LEDs disclosed

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by Rios and Schneiker to include a means for cooling the array, as taught by HDS Systems, in order to provide a solution to the heat dissipation at high power associated with large LEDs arrays.

Response to Arguments

9. Applicant's arguments filed with the amendment have been fully considered but they are not persuasive.

Summary of Applicant's Argument: The device disclosed by Rios must be held by at least one hand and the light source requires a filter and intensifier. The applicant's invention does not require the use of hands and further does not require a separate filter or intensifier. Rios indicates a drawback of using LEDs in that they reduce the viewing area.

Examiner's Response: Regarding claim 1, Rios discloses using a light source as well as a filter as argued by the applicant. However, the filter disclosed is included in the LED (Col. 3, lines 57-59). Therefore, the array emits wavelength specific light of sufficient intensity as emitted from the diodes. Rios discloses that a light intensifier 20 may be provided to enhance detection (Col. 2, lines 65-67). Rios does not require the use of an intensifier, thereby Rios discloses the array emitting sufficient intensity. Furthermore, the intensifier disclosed by Rios is used to increase the luminance of the reflections not the incident light. Therefore, it does not affect the fluorescing of the dye as claimed. Regarding claim 2, a hands-free device is not recited as a limitation. Rios discloses a power source that is portable as claimed (Col. 4, lines 27-31). The argument that nobody would use LEDs because of a reduced viewing area and

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lower luminous intensity is merely an unfounded speculation by the applicant. Regardless of the viewing area, the invention disclosed by Rios would still operate as claimed by the applicant.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Contact Information


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia M Kibler whose telephone number is (703) 306-4072.

The examiner can normally be reached on Mon. - Thurs. 8:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

VK
July 25, 2003


AMELIA M. AU
SUPERVISORY PATENT EXAMINER
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